

City of Selah
Council Minutes
April 26, 2016

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Raymond called the meeting to order at 5:30pm.

B. Roll Call

Members Present: Paul Overby; John Tierney; Roy Sample; Roger Bell; Russell Carlson;
Diane Underwood

Members Absent: Laura Ritchie

Staff Present: Don Wayman, City Administrator; Bob Noe, City Attorney; Gary Hanna,
Fire Chief; Jim Lange, Deputy Fire Chief; Rick Hayes, Police Chief; Joe
Henne, Public Works Director; Ty Jones, Public Works Utility Supervisor;
Harmit Bedi, City Planner; Dale Novobielski, Clerk/Treasurer; Dave
Mullen, Recreation Manager; Bree Tait, Civic Center Manager; Andrew
Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

Council Member Tierney moved, and Council Member Sample seconded, to approve the absence of Council Member Ritchie. By voice vote, approval was unanimous.

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Jason Williams gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/ Presentations

1. Yakima Basin Integrated Plan PowerPoint presentation –Mike Leita, Yakima County Commissioner, and Nicole Pasi, Conservation Outreach Associate

Nicole Pasi approached the podium and addressed the Council. She gave a PowerPoint presentation on the Yakima Basin Integrated Plan, requesting a Resolution of support from the City.

Council Member Tierney inquired who was not supporting the plan.

Ms. Pasi responded that it was mainly cabin owners around the reservoirs, but if it impacts their wells the Department of Ecology (DOE) has committed to alleviating the problem.

City Administrator Wayman asked how much snowpack was recovered this past winter.

Ms. Pasi replied that they were at ninety-five percent of average, although the rain in early April wiped out a chunk of it. She added that, if current weather trends continue, it might not be as good as they were hoping for.

H. Getting To Know Our Businesses

1. Tammy Bonson, Selah Gym Kids

Tammy Bonson, Selah Gym Kids, approached the podium and addressed the Council. She talked about growing up in Selah, and her interest in gymnastics, which eventually led to her going into a partnership in 1998, to form Selah Gym Kids. She read aloud their mission statement, saying that some of their students have gone on to competitive levels. She said that they teach kids to be solution oriented, and in addition to gymnastics, they offer preschool and a Kids Club program for daycare.

I. Communications

1. Oral

Mayor Raymond opened the meeting.

Kellianne Ergeson, chairperson, and Tiera Girard, secretary, approached the podium and addressed the Council on behalf of the Selah Park and Recreation Service Area Board (SPRSA).

Ms. Ergeson said that the SPRSA is making great progress on the voter-approved bond, and the board would like to get a sense of support from the Council, preferably in writing, sooner rather than later. She spoke about the formation of the SPRSA and their Interlocal agreement with the City, giving a brief rundown of the steps taken after the City passed a Resolution in 2011 to cease funding the public pool, the most recent step being the bond passed in November 2015. She noted that they have issued five million of the six point two million bonds, which are managed by the County Treasurer, and have continued to make progress on the project. She stated that the measure went before voters without an architect or final design, and she is here to speak with Council because the current Interlocal agreement only addresses the pre-bond relationship, and the time has come to have a new agreement for the relationship going forward. She expressed concern over the discussions they have had with City staff thus far, and the potential for the City's requests to create additional expenses or delays down the road, to make it impossible to complete the project.

Council Member Overby thanked her for sharing the history, saying that this has been in the works for a long time. He felt that it might be beneficial for the Council to have more time outside of this setting to discuss the matter, perhaps in a study session, as it is difficult to make an agreement without knowing the details. He suggested that perhaps a Memorandum of Understanding would suffice in the interim.

City Attorney Noe remarked that there was a lot of discussion about who would construct the pool, who would own the structure, and whether it would be on City property. He noted that Council agreed that the City would provide the land to construct the pool, but added that the City's concerns regarding expenses going forward are legitimate. He agreed that a memorandum of understanding could work.

Council Member Overby commented that they would only do what the SPRSA can afford.

Ms. Ergeson shared their concerns regarding sustainability in going forward, recognizing the level of responsibility the SPRSA has as the sole source for funding the M&O levy as well as the bond for a new facility, adding that it would be best to focus their energies to collectively come together rather than working at cross purposes.

Council Member Bell said that, when he attended a bond committee meeting last October, he asked if the M&O levy would increase, and the answer from the panel was that it would not. He did not see a way that could happen without increasing the levy, other than raising user fees.

Ms. Ergeson responded that the flyer they sent out referenced the need for a larger M&O levy if the bond passed. She noted that user fees for the pool start with the City.

Council Member Bell replied that people will look at the Council, not the SPRSA, and he feels that the project needs to have more vetting about how it's going to work and what the M&O will really cost.

Ms. Girard stated that the slides from October indicated an increased M&O levy.

Council Member Bell responded that the committee stated they did not think it would have to happen.

Ms. Ergeson remarked that they would operate that which they can fund.

Mayor Raymond asked Council Member Overby if the previous Council discussed this with the SPRSA.

Council Member Overby replied in the affirmative, adding that he understands the concern regarding the City getting a black eye, but as they orphaned the pool a few years ago maybe the broader community is aware they are funding it now, not the City.

Council Member Tierney felt they needed more definitive information on the design and operating costs of the pool, as it is difficult for the Council to support it until they know what the design of the pool is.

Ms. Ergeson observed that they did not spend money for an architect before having voter support, adding that they had seven responses to their RFQ, which indicates the viability of the project. She said that they could not guarantee that they can achieve every objective outlined in the bond proposal, and that they were under the impression that they had the unanimous support of the Council for the project.

She noted that they could not provide a business plan because they do not know what they are building yet.

Mayor Raymond remarked that this is a different Mayor and Council than last year.

Ms. Ergeson wondered what they would have the SPRSA do, as they do not have a written agreement regarding the construction and maintenance of a new pool.

City Administrator Wayman saw a memorandum of agreement as a three-legged stool; one leg is the ownership of the pool and land, the second is liability insurance, and the third is manning and operating the pool. In his opinion, they needed an understanding of ownership, whether the property or the pool was leased. He stated opposition to an agreement without understanding the scope of the work to be done, and felt that a limited agreement regarding property ownership and their relationship with regard to the proposed plan would allow the SPRSA to feel comfortable breaking ground and negotiating with architects.

Ms. Ergeson responded that one unresolved issue for her deals with the SPRSA trying to create a maintenance and operations plan without City support, as they went to the ballot box assuming the City would continue to perform those functions.

Council Member Tierney asked if City Administrator Wayman's suggestion would solve the immediacy of the problem.

Ms. Ergeson replied that it would go a great way towards solving it, as the SPRSA would be left with costs if the City decided to get out of the pool business entirely.

Council Member Sample remarked that there was a pool expert at the last SPRSA meeting, and by the time he was done talking about costs he felt they were not nearly capable of the building plan projected with amount of money they had.

Ms. Ergeson commented that the cover remains an open question, but a well-appointed outdoor pool is well within what they asked for.

Council Member Sample thought that more of the project should be turned over to the City and the Public Works Department; the SPRSA does not have the expertise to carry this through, and the City has experience with building projects.

Ms. Ergeson replied that they are simply at the point of getting a designer on the project, which must be approved by the SPRSA per the bond. She stated that they could not do this project without the City.

Council Member Sample commented that he felt a certain reticence by the board to have the City be in charge of it, and that they should leave the construction to the City.

Mayor Raymond stated that they would schedule a study session to discuss this. Seeing no one else rise to speak, she closed the meeting.

Council took a five-minute recess.

- 2. Written **None**

J. Proclamations/Announcements

- 1. Selah Downtown Association City Clean-Up Day May 14, 2016

Mayor Raymond read aloud the proclamation.

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: April 12, 2016 Study Session & Council Meeting
- * 2. Approval of Claims & Payroll:

Payroll Checks Nos. 79478 – 79572 for a total of \$222,093.15
Claim Checks Nos. 67558 – 67629 for a total of \$538,944.14

Council Member Overby moved, and Council Member Tierney seconded, to approve the Consent Agenda as read. By voice vote, approval of the Consent Agenda was unanimous.

- L. Public Hearings **None**

M. General Business

- 1. New Business
 - a. Proposal to obtain funds through the Congestion Mitigation Air Quality Improvement Program (CMAQ) for New Parking Lot Improvements including Sidewalks at the Selah Civic Center

Public Works Director Henne addressed M – 1a. He reminded Council that he talked about the project at the last meeting, referring them to an aerial photograph showing the Civic Center and properties purchased, with a tentative layout of the parking lot and current parking. He said that this is the first year that transit is allowed to put in applications for non-operational type requests, saying that paving the gravel areas will reduce PM10 and carbon dioxide, as well as create less congestion, and that he would like to proceed with the project if the Department of Transportation approves the application. He noted that a thirteen point five per cent match is required, but if they do not get the funding then the City is on the hook for the full amount.

Council Member Tierney inquired about the areas with yellow hash marks.

Public Works Director Henne replied that those are designated as non-parking areas, and that they will move the garbage enclosure to a new striped area.

Council Member Tierney asked if it would not be better to have that section in concrete to support the weight of the garbage trucks.

Public Works Director Henne responded that he would look into that.

Council Member Tierney suggested putting the dumpsters on the Park Avenue side.

Public Works Director Henne replied that he would have to see if it meets the dumpster Ordinance for locations.

Council Member Sample wondered how this would affect future Civic Center improvements.

Public Works Director Henne responded that there is renewed interest in renovation, along with a large covered area for the farmer's market or outside gatherings, and that they have received comments about the City allowing parking on the gravel when Ordinance requires parking lots to be paved.

Council Member Sample commented that they could only do so much.

City Administrator Wayman observed that they are looking at a minimum of five years before tackling that project, based on a preliminary look at what it will cost to build a Police Station/City Hall, and that the lot needs to be paved to cut down on dust.

Council Member Tierney inquired if he had the match funds if they get the grant.

Public Works Director Henne stated that it would come from the transit fund.

Council Member Tierney thought it made sense to go forward with it.

Council Member Overby agreed.

Public Works Director Henne said that he would proceed with the application.

- b. City of Selah - Six Year Transportation Improvement Program (TIP) for the years 2017 to 2022

Public Works Director Henne addressed M – 1b. HE said that they update the TIP annually, and referred Council to the handouts in their packets. He gave a brief explanation of the different street classifications, followed by a rundown of the fourteen projects currently on the list. He said that it would have to go through SEPA and have a hearing to adopt the list, which will then be sent to YVCOG for inclusion in their plan, before going to the State to be added to the STIP. He noted that, once this is done, he could make applications for projects.

Council Member Overby asked about the viability of maintaining North Fourth Street.

Public Works Director Henne replied that he might have to do a traffic count.

Council Member Tierney wondered if numbers two and five could be combined.

Public Works Director Henne responded that number two has already been funded and is currently under design, with Federal funding slated for 2022 -2024.

Council Member Tierney asked if it was reasonable to use Wixson Park as a Park & Ride.

Public Works Director Henne replied that they were going to widen Third Street for that, but there are not enough rights of way to do so. He noted that Carlon Park is also designated as a Park & Ride.

Council Member Carlson inquired about putting a crosswalk off Speyers Road and Tenth or Eleventh at the City limits, as he is concerned about kids crossing the street there.

Public Works Director Henne responded that he needs to pull out the manual and look at crosswalks. He said that the matter would be back before Council after the SEPA has been completed.

2. Old Business **None**

N. Resolutions

1. Resolution Approving the Preliminary Plat of “Orchard View Estates” Phases 2, 3, 4, and 5 (912.61.15-03) and Adopting Findings and Recommendation of Hearing Examiner

City Planner Bedi addressed N – 1. He said that the applicant has submitted a written request to extend the hearing for thirty days, and that staff recommends approval of the continuation.

City Administrator Wayman remarked that Mr. Paulson is in negotiations with a developer who has interest in some potential backing to develop the property, and they have more ambitious and modern ideas regarding development of the property.

Council Member Tierney asked if they would need to do another publication in the paper.

City Planner Bedi responded that it would leave the onus on the applicant.

Council Member Tierney moved, and Council Member Overby seconded, to approve the delay and reschedule the matter for a date to be provided by Mr. Paulson. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Resolution Authorizing the Mayor to Sign an Agreement with Buxton for Retail Recruitment Solution Services

City Administrator Wayman addressed N – 2. He said that they had a presentation at the last meeting regarding aggressive retail recruitment, to bring new commercial businesses into the City and support the current businesses, and that staff requests to go forward with a three-year contract at fifty thousand dollars annually.

Council Member Carlson inquired about an opt-out clause.

City Administrator Wayman responded that there is one.

Jacob David, Buxton Co., stated that there is a ten percent opt-out fee after the first year of the contract.

City Administrator Wayman said that there are approximately six empty properties, at a combined six point five two acres, for potential retail interest, which does not include vacant commercial buildings or under-utilized commercial properties.

Council Member Tierney moved, and Council Member Sample seconded, to approve the Resolution Authorizing the Mayor to Sign an Agreement with Buxton for Retail Recruitment Solution Services. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

3. Resolution authorizing the Mayor to sign an Amended Agreement for Legal Services with Kenyon Disend, PLLC

City Administrator Wayman addressed N – 3. He explained that there has been a strong trend over the last several months for a higher monthly average than budgeted for legal services, which will continue with the more aggressive posture the City is taking regarding code enforcement and land use decisions. He expressed concern about the costs, feeling that the best solution would be a flat rate fee.

Clerk/Treasurer Novobielski presented a worksheet outlining the last few months' expenditures for legal services, explaining the benefit to a flat fee versus the average they have been paying, and how it would be spread throughout various City funds.

City Attorney Noe remarked that his firm was able to offer the flat fee due to his previous relationship with the City, and the he is happy they were able to offer this as an option.

Council Member Overby moved, and Council Member Bell seconded, to approve the Resolution authorizing the Mayor to sign an Amended Agreement for Legal Services with Kenyon Disend, PLLC. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance of the City of Selah, Washington, adding a new Selah Municipal Code Chapter 10.24 Relating to Planned Development; Creating a Planned Development (PD) Overlay Zone; Establishing Development Regulations for Planned Development Overlay Zones; Providing for Severability; and Establishing an Effective Date

City Planner Bedi addressed O – 1. He spoke briefly about the history of the Planned Development Ordinance, highlighting the numerous hours of staff and Planning Commission time devoted to drafting the Planned Development Overlay, adding in many elements such as lights, open space, streets, and setbacks.

Council Member Carlson wondered if he has seen something similar to this in the past, if it works, is a necessity and provides value.

City Planner Bedi replied in the affirmative, noting that staff will be watching it closely and will bring elements that do not fit to Council to fix. He felt that it gives staff a very good tool, especially for managing density.

Council Member Carlson remarked that it has been an ongoing process, and that the community has not been pleased with the loopholes in the previous version

City Administrator Wayman felt that gaps is a better term than loopholes, noting that they have added in things such as architectural diversity requirements, instructive requirements for roads, and the percentage of multi-family dwellings allowed on low density lots. He explained that the density requirements will not allow a developer to put more than one duplex per acre in a low-density area, but it can create conditions for more livable space, with a more creative use of open space. He said that they need tools so City staff can use their creative understanding and technical skill to work with developers, to have these pre-planning meetings to lay down conditions so they do not go down the road of not having things stated.

Council Member Tierney remarked that item number three on page eleven should be retention area not detention area.

Public Works Director Henne responded that is should be detention.

City Planner Bedi gave a brief explanation of the two types of drainage, detention and retention.

Council Member Tierney had some personal issues with page eight regarding development standard design, and page nine under section d, which he felt was very ambiguous.

City Planner Bedi explained that those are qualitative statements, and that professional staff will sit down with applicants and hash out details before comes to Council. He added that this kind of statements allows for creativity and more ideas, and that it is a good idea to have this.

Council Member Tierney expressed his dislike over the possibility of someone building in front of his view, when the document stated they could not talk about building height.

City Administrator Wayman commented that they are dealing with redevelopment and urban renewal, which will see a requirement to build up.

City Attorney Noe observed that 10.24.100 (a) talks about avoiding negative impacts, whereas section D talks about adjacent structures.

City Administrator Wayman remarked that they will use green space and setbacks to sculpt and soften it, but they do not want to eliminate what a builder will put into an overlay.

Council Member Overby did not believe it was legal for the City to preserve the view of other when it came to property development, although he understood the concern about views being obstructed.

Council Member Sample felt that Council Member Tierney made a good point, and that a layman would see the same thing.

City Administrator Wayman replied that the planner would make sure the developer understands that, as what really matters is the developer understanding what the City requires.

Council Member Sample commented that the old Ordinance was repealed to try to improve it.

Council Member Carlson did not see an issue with developers; he didn't want something developed that would be dumped back on the City, such as private streets, as the goal is to make this a great city to live in.

City Planner Bedi stated that they have internally changed policy so that everyone has to see planning first; this is not a project you can just do, as there are many pieces to the puzzle that need to be dealt with.

Council Member Tierney moved, and Council Member Sample seconded, to approve the Ordinance of the City of Selah, Washington, adding a new Selah Municipal Code Chapter 10.24 Relating to Planned Development; Creating a Planned Development (PD) Overlay Zone; Establishing Development Regulations for Planned Development Overlay Zones; Providing for Severability; and Establishing an Effective Date. Roll was called: Council Member Overby – yes; Council Member Tierney – yes; Council Member Sample – yes; Council Member Bell – yes; Council Member Underwood – yes; Council Member Carlson – no. Motion passed with five yes votes and one no vote.

O. Reports/Announcements

1. Departments

Recreation Manager Mullen said that they are fine-tuning the Wednesday programming for teens in the area, and foresee it being very successful. He noted that he will be attending a conference Tuesday through Thursday of next week, and that he would like to start working on more programming for seniors. He stated that they added an apple pie eating contest to the 4th of July event, which will mirror what they do for the Autumn Festival regarding the location of the beer garden and other activities.

City Administrator Wayman remarked that they would need a vote from the Council approving alcohol for this event.

Recreation Manager Mullen commented that the vendors would be mostly microbreweries and wineries, along with some domestic. He gave a brief update on the Army Base race.

Council Member Tierney asked if there would be applications for microbreweries to fill out.

Recreation Manager Mullen replied that Kathryn Platt is calling those she knows, and there is the possibility of a flat fee around forty to fifty dollars. He noted that there would be an apple pie baking contest for the Autumn Festival.

Council Member Carlson wondered if they could tie the apple pie into the base race, as he sees a huge opportunity for them to enunciate Selah with what will hopefully be the state pie.

City Administrator Wayman remarked that they would get invites out to the governor and congressional representatives.

Police Sergeant Reeves said that Chief Hayes had an emergency at his house. He noted that the department is doing their EVOC course training at Hammers in Tri-Cities.

Human Resources Manager Potter said that he will be out most of next week to a conference in Yakima, and that he has scheduled a few of the free training opportunities offered by CIAW.

Fire Chief Hanna said that EDITH house was a big success. He talked about the training his firefighters have been undergoing recently, and the desire to purchase new computers with updated software for the fire station.

Council Member Carlson proposed that he replace half now and half later so there is a different age to them.

Fire Chief Hanna replied that he agrees to a point but they will get into different levels of software and sharing between members of the office.

Council Member Tierney wondered about looking into the new Windows slated for September.

Fire Chief Hanna responded that the IT department is still using Windows 7 Pro, but will be pushing everything towards Windows 10.

Mayor Raymond asked if it was legal for people in motorhomes to have open fires during tournaments.

Fire Chief Hanna replied in the negative, adding that gas fires are allowed.

Civic Center Manager Tait said that the Phyllis Johnson memorial would be held on Thursday.

Clerk/Treasurer Novobielski said that the April sales tax is seventy-eight thousand four hundred and seventy-eight dollars, six thousand more than March.

City Planner Bedi stated that the Planning Commission meeting next week has been canceled.

Public Works Utility Supervisor Jones said that Public Works is still busy painting crosswalks and spraying right of ways. He noted that the water project is moving forward, and that the contractor has started to install services. He commented that the treatment plant project is ninety-five percent completed, and that they received a rebate for it last week.

Mayor Raymond remarked that the City is looking good.

Council Member Carlson asked if Wastewater Treatment Planer Supervisor LaRoche had any feedback on the new equipment.

Public Works Utility Supervisor Jones responded that there are definitely improvements.

City Attorney Noe said that he will be at a conference Wednesday through Friday, but will be available by phone.

2. Council Members

Council Member Overby had no report.

Council Member Sample had no report.

Council Member Tierney said that he visited the Othello Police Station and City Hall, and suggested that others visit the facility, as it was very well laid out and fits into the community well.

Council Member Bell said that he spent a half day with Fire Chief Hanna, running around to the different stations in the district and going on a couple callouts. He held up his certificate from the citizen's academy, encouraging citizens to go next year when they run it again.

Council Member Underwood had no report.

Council Member Carlson said that his community discussions have been very positive, as people like the progress and what is going on. He felt that the increased sales revenue goes to show they are moving in the right direction.

3. City Administrator

City Administrator Wayman said that there would be a study session at the next meeting on the potential for a future city hall and police station, where they will discuss the budget, the City's ability to acquire debt, how raise revenue and resources to service that debt, and the current debt. He noted that they are still waiting for answers regarding Volunteer Park. He stated that they are being very aggressive regarding commercial garbage bins in front of multi-family dwellings, enforcing the code created in

1994, as containers have been in City right of way and not out of sight behind the building or in a screened enclosure.

- 4. Boards None
- 5. Mayor

Mayor Raymond observed that she has learned more about the City working at drive-in the last three weeks than at City Hall.

P. Executive Session None

Q. Adjournment

Council Member Overby moved, and Council Member Carlson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 6:20 pm.



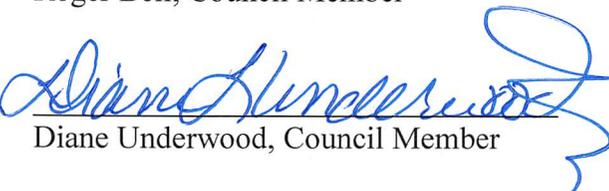
 Paul Overby, Council Member



 Roy Sample, Council Member



 Roger Bell, Council Member



 Diane Underwood, Council Member

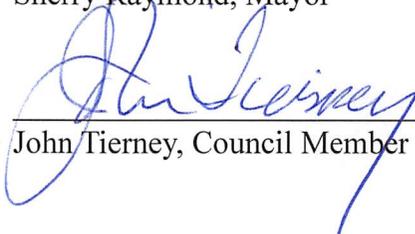
ATTEST:



 Dale E. Novobielski, Clerk/Treasurer



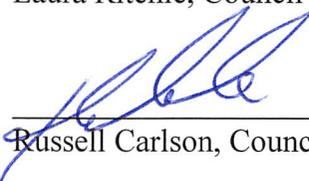
 Sherry Raymond, Mayor



 John Tierney, Council Member

EXCUSED

 Laura Ritchie, Council Member



 Russell Carlson, Council Member